

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15347 of 2004

Between:

Ravi Koteswaramma, W/o.Poornachandra Rao, Aged 50 years,
R/o.Kunkalamaru Village, Karam Chedu Mandal, Prakasam Dist.

..... PETITIONER

AND

1. The Collector & District Magistrate, Prakasam,

District Ongole.

2. The Revenue Divisional Officer, The Land Acquisition officer,

Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of mandamus or any other appropriate writ declaring the proceedings of the 1st respondent issued under Section 4(1) in R.C.No.G3/5820/2002, dt.21-12-2002 and also the consequential declaration issued under Section 6 of the Land Acquisition Act in R.c.No.G2/5820/02, dated

6-2-2003 for acquisition of the land of the petitioner for public purpose as illegal, arbitrary and contrary to the statute and consequently to set aside the same.

Counsel for the Petitioner: MR.K.ANANDA RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court, at the stage of admission, made the following:

ORDER:

The present writ petition is filed challenging the acquisition proceedings issued under Section 4 (1) of the Land Acquisition Act (for short 'the Act'), and the consequential declaration issued under Section 6 of the Act.

Learned counsel for the petitioner while placing reliance on a Judgment of the Supreme Court in **MADHYA PRADESH HOUSING BOARD V. MOHD.SHAFI**, would contend that there is vagueness in the notification issued under Section 4 (1) of the Act, since in the Telugu version, it is stated that the land was required for 'swashana stalamula nimittamu', whereas in the English version (translated), it is stated that the land was required for 'burial grounds to backward community'. However, in the declaration issued under Section 6 of the Act, the purpose for acquiring the said lands is stated as 'for providing house sites to the weaker sections'. He, therefore submits that there is vagueness in the public purpose, mentioned in the notification in question, and the same is liable to be set aside.

In the decision relied upon by the petitioner in **MADHYA PRADESH HOUSING BOARD's** case (1 supra), the facts disclose that initially the Executive Engineer of the Housing Board had found the land suitable for construction of buildings and shops under the self-financing scheme, whereas in the notification under Section

4(1) of the Act, there is no mention of such purpose, but, instead it declared the public purpose to be residential. Again in the declaration issued under Section 6(1) of the Act, the public purpose has been stated to be 'housing scheme of Housing Board and not construction of buildings and shops under the self-financing scheme. Thus, it was clear that the public purpose mentioned in the notifications issued under Sections 4 and 6(1), are entirely different, and the Supreme Court held that the notification is vague and conveys no idea about the purpose of acquisition. Under the circumstances, it quashed the impugned notification as being vague and for non-compliance of the mandatory requirements of the Act. In the said decision, reference was also made to a decision in **MUNSHI SINGH V. UNION OF INDIA**, which was also relied in **PRATIBHA NEMA V. STATE OF M.P.**, wherein it was held that vagueness in the notification, with respect to public purpose, cannot be a ground for setting aside the notification issued under Section 4(1), unless there is any prejudice caused to the petitioner.

Admittedly, in the instant case, in the Telugu version of the notification issued under Section 4(1) of the Act, it was stated that the land was required for 'Swasthana Stalamula Nimittam' whereas in the English version (translated) of the notification it was stated that the land was required for the purpose of 'burial grounds to backward community'. Further, in the declaration issued under Section 6, it was rightly stated that the land was required for 'providing house sites to the weaker sections'. In view of the same, it cannot be said that there is vagueness in the public purpose rendering the notification as invalid and for setting aside the same.

The writ petition fails and is accordingly dismissed. There shall be no order as to costs.

07.10.2004

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1. The Collector & District Magistrate, Prakasam,
District Ongole.
2. The Revenue Divisional Officer/The Land Acquisition officer,
Ongole, Prakasam District.
3. Two CCs to the Government Pleader for Land Acquisition, High
Court Buildings, High Court of A.P., Hyderabad (O.U.T).
4. 2 CD copies.